

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections set forth in the Office Action dated January 10, 2006 are respectfully requested in view of the amendments above and remarks set forth herein. A separate petition for a two-month extension of time accompanies this amendment.

In the Office Action, claims 21 and 29 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Mary D. Sheridan, "Manual for the Stycar Vision Tests", 1969 ("Sheridan"). Claims 22-28 and 30-32 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Sheridan in view of U.S. Patent No. 5,121,981 to Waltuck et al. ("Waltuck").

By this Amendment, Applicant amends claims 21, 25 and 29 and adds new claims 33-38. No new matter has been added.

### **Rejections under 35 U.S.C. § 102(b)**

Applicant submits that independent claims 21, 25, 29 as amended and new independent claim 33 are patentably distinct from Sheridan. The basis for the rejection stated in the Office Action is that Sheridan "discloses positioning a display medium comprising an optotype chart at varying distances from a subject child," "teaches ... us[ing] a key-card chart to match the letter indicated on the optotype chart" and "further teach[es] occluding an eye to screen for amblyopia."

Claim 21 as amended is directed to a method for conducting a vision examination by an examiner to screen a patient for vision disorders by "positioning a display medium at a predetermined distance from a patient's eyes, wherein the display medium is capable of individually and successively displaying optotypes of different sizes and shapes," and "controlling the display medium to individually successively present optotypes for the patient to view from the predetermined distance" (emphasis added). Sheridan does not disclose a vision examination technique performed by positioning a display medium and controlling the medium to individually and successively present optotypes of different shapes and sizes from a display medium. Instead, Sheridan discloses using (i) a standard eye chart (see picture on page 6), (ii) a

customized eye chart that includes multiple letters (see pages 4-5), or (iii) or single letter cards (see page 9). A standard eye chart and a customized, multiple letter eye chart each simultaneously displays a plurality of optotypes, as opposed to individually and successively displaying optotypes. To use these charts, the patient must know (or otherwise be instructed) to ignore the surrounding optotypes that are displayed simultaneously, since the charts themselves provide no indication of which optotype the examiner wishes the patient to view. Sheridan also discloses using single letter cards, but such a card is not a "display medium" that can display more than a single letter.

As an apparatus claim, like claim 21, claim 29 recites a display medium for successively and individually displaying optotypes, and is distinguished from Sheridan for at least the same reason as described above.

### **Rejections under 35 U.S.C. § 103**

Applicant further submits that Claims 22-28 and 30-32 are patentable over the combination of Sheridan and Waltuck. As discussed above, Sheridan fails to disclose a display medium for successively and individually displaying optotypes, or a method for controlling a display medium to individually and successively display optotypes. Although Waltuck discloses using a display monitor, the reference provides no disclosure of the claimed display medium, or of a method for successively and individually displaying optotypes as recited in the instant claims. Accordingly, neither Sheridan nor Waltuck, taken singly or in combination, teach the claimed method or apparatus.

### **New Claims**

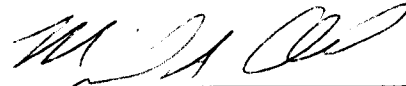
New independent claim 33 is directed to a method for conducting a vision examination by positioning a portable display medium capable of successively displaying optotypes. Neither Sheridan nor Waltuck disclose a portable display medium that can successively display optotypes. Claims 34-38 are dependent from claim 33, and are patentable at least for the same reason as claim 33.

In view of the foregoing, the claims pending in the application patentably define over the prior art. A Notice of Allowance is, therefore, respectfully requested. If the

Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (202) 434-1607.

Respectfully submitted,

Perkins Coie LLP



---

Michael A. Oblon

Registration No. 42,956

Date: June 12, 2006

Correspondence Address:  
Perkins Coie LLP  
607 14<sup>th</sup> Street, N.W.  
Suite 800  
Washington, DC 20005